

CHAPTER 457A NURSE AIDES

SECTION

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Note

Subject to reassessment, this chapter is repealed effective December 31, 1994. Chapter 26H.

§457A-1 Findings and purpose. (a) The legislature recognizes that 42 United States Code §1395i-3 and §1396R require nurse aides working in nursing facilities participating in medicare and medicaid programs to be certified. This chapter implements 42 United States Code §1395i-3 and §1396R with respect to:

- (1) Establishing the State's regulatory scheme for certifying nurse aides;
- (2) Defining the scope of regulation;
- (3) Establishing standards for certification and biennial recertification; and
- (4) Establishing an interagency agreement between the state agencies responsible for various aspects of the program.

(b) As used in this chapter, "nurse aide" means a person who performs a variety of duties relating to patients and patient care under the supervision of a nurse, including but not limited to assisting patients in all activities of daily living such as serving and collecting food trays, and helping patients get out of bed, bathe, and dress. A nurse aide may also assist a nurse by changing bed linens, delivering messages, and sterilizing instruments.

§457A-2 Implementation. The director of commerce and consumer affairs shall implement the provisions of 42 United States Code §1395i-3 and §1396R as they relate only to establishing:

- (1) The minimum requirements and standards necessary for certification as a nurse aide;
- (2) Examination requirements, including the passing score;
- (3) Maintenance requirements for continued certification on a biennial basis; and
- (4) Implementation of a nurse aide registry.

§457A-3 Power of director. (a) The director, in accordance with chapters 91 and 92, shall adopt rules that may be necessary to implement the provisions of 42 United States Code §1395i-3 and §1396R, as well as the federal regulations adopted pursuant thereto, as they relate only to establishing:

- (1) The minimum requirements necessary for certification as a nurse aide;
- (2) Examination requirements, including the passing score and provisions for contesting examination results;
- (3) Maintenance requirements for continued certification; and
- (4) Implementation and maintenance of a nurse aide registry.

(b) The director shall issue certificates to qualified nurse aides and shall be responsible for maintenance of an up-to-date nurse aide registry which shall include the names of certified nurse aides, their places of employment, and disciplinary actions. Disciplinary actions shall be limited to the placement of substantiated findings from the department of health into the nurse aide registry within ten working days of court settlement.

[§457A-4] Contract for administrative services. The director may contract with a professional testing service that is qualified to test the competency of nurse aides. The department may require that fees for services be paid directly to the professional testing service.

[§457A-5] Fees. The director may establish fees for services rendered to carry out the purposes of this chapter.